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EXAMINER

BONSHOCK, DENNIS G

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/981,905
Filing Date: October 18, 2001
Appellant(s): MARTINEZ ET AL.

MAILED

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Technology Center 2100

Frank C. Nicholas (reg. 33,983)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10-25-2005 appealing from the Office action mailed 8-25-2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson, Jr. et al., Patent #6,396,474, hereinafter Johnson.

4. Claim 1, which teaches a method of visually indicating transfer of data in response to a pointing device data transfer command comprising: modifying a display position indicator of a display screen based on a data transfer command, Johnson teaches, in column 1, line 40-55, a system in which text is snapped to a cursor for the purpose of moving the text. With regard to claim 1, further teaching animating data transfer on the display screen based on the data transfer command from a pointing device, Johnson teaches, in column 5, lines 3-5 and lines 26-44 and in figures 3A-3E, text being gradually moved to the other end of the cursor.

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5. With regard to claims 2 and 10, which teach the transfer command being selected from a group consisting of cut, paste, and copy, Johnson teaches, in column 7, lines 5-10, the system being implemented with copy, cut, and paste.

6. With regard to claims 3 and 11, which teach modifying the display position indicator in response to one of a cut or copy command comprising: changing the display position indicator to a position indicator with a reduced object in an indicator bubble, Johnson teaches, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (non-pointed end), where size may be modified. This text string could be loaded in an indicator bubble instead of a square as taught by Johnson, as this is a design choice.

7. With regard to claims 4 and 12, which teach modifying the display position indicator in response to one of a cut or copy command comprising: reducing the marked object to a reduced object and moving the reduced object through the display position indicator into an indicator bubble, Johnson teaches, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (non-pointed end), where size may be modified. This text string could be loaded in an indicator bubble instead of a square as taught by Johnson, as this is a design choice.

8. With regard to claims 5 and 13, which teach moving the marked object towards the display position indicator while the object is being reduced, Johnson teaches, in

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column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (non-pointed end), where size may be modified.

9. With regard to claims 6 and 14, which teach modifying the display position indicator in response to a paste command comprising: changing the display position with reduced object in an indicator bubble to a position indicator without a reduced object in an indicator bubble, Johnson teaches, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a paste command, where the selected text is gradually moved to the other end of the cursor (pointed end), where size may be modified. This text string could be unloaded from an indicator bubble instead of a square as taught by Johnson, as this is a design choice.

10. With regard to claims 7 and 15, which teach modifying the display position indicator in response to a paste command comprising: moving a reduced object from an indicator bubble through the display position indicator, expanding the reduced object, and inserting it to a location indicated by a insertion marker, Johnson teaches, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a paste command, where the selected text is gradually moved to the other end of the cursor (pointed end), to a position with an insertion marker (|), where size may be modified. This text string

could be unloaded from an indicator bubble instead of a square as taught by Johnson, as this is a design choice.

11. With regard to claims 8 and 16, which teach moving the expanding reduced object towards a insertion marker while the reduced object is expanded, Johnson teaches, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (pointed end), to a position with an insertion marker (|), where size may be modified.

12. Claim 9, which teaches a computer readable medium including a program for visually indicating transfer of data in response to a pointing device data transfer command comprising: modifying a display position indicator of a display screen based on a data transfer command, Johnson teaches, in column 1, line 40-55, a system in which text is snapped to a cursor for the purpose of moving the text. With regard to claim 1, further teaching animating data transfer on the display screen based on the data transfer command from a pointing device, Johnson teaches, in column 5, lines 3-5 and lines 26-44 and in figures 3A-3E, text being gradually moved to the other end of the cursor.

13. Claim 17, which teaches a computer readable medium including a program for visually indicating transfer of data in response to a pointing device data transfer command comprising: modifying a display position indicator of a display screen based on a data transfer command, Johnson teaches, in column 1, line 40-55, a system in which text is snapped to a cursor for the purpose of moving the text. With regard to

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claim 1, further teaching animating data transfer on the display screen based on the data transfer command from a pointing device, Johnson teaches, in column 5, lines 3-5 and lines 26-44 and in figures 3A-3E, text being gradually moved to the other end of the cursor.

(10) Response to Argument

Claims 1-3, 6, 9-11, 14, and 17:

With respect to the Claims 1-3, 6, 9-11, 14, and 17, the Appellant's arguments are focused on the limitations regarding the "modifying a display position indicator on the display screen,". More specifically as stated from representative claim 1, the limitation argued is:

*Modifying a display position indicator... based on a data transfer
command and animating data transfer on the display screen*

Since the interpretation of the limitation is the basis for arguments, the Examiner's interpretation is now given. With regard to the limitation, 'modifying a display position indicator on a display screen,' this is interpreted to mean any alteration (addition to, lessening of, graphical modification) of a positional indicator (mouse position indication, location cursor). With regard to the limitation, 'animating data transfer on the display screen,' this is interpreted to mean any graphical transformation associated with the transfer of data. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the reference Johnson, Jr. et al., hereinafter Johnson, are within the scope of these limitations.

Johnson teaches a system in which a text object is created from user-selected text, the text is then snapped to a cursor for the purpose of moving the text (see column 1, line 40-55). The text is gradually moved to the other end of the cursor (column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). The user is then free to move the text on screen in search for an insertion point where upon selection by a user the text is visually zoomed from the source location to the insertion point (see column 1, lines 47-55).

The examiner will now address the individual arguments and statements made by the Appellant.

From page 5 of the Appeal Brief, from the first paragraph, the Appellant argues "Johnson does not disclose 'modifying a display position indicator on a display screen', as claimed in independent claims 1, 9, and 17."

The examiner contends that Johnson does show a modification to a display position indicator, by adding the image of the text object to the position indicator (see column 1, lines 40-55, column 4, line 65 through column 5, line 9). This passage shows a text object being snapped to a cursor, and further, once snapped, ensuring that the text object follow the movement of the cursor on the monitor. This movement with the cursor clearly shows the text itself is a positional indicator. The snapping to the cursor provides a correspondence between movement of the pointer and associated subject matter, making the cursor look like both a pointer and a text string.

From page 9 of the Appeal Brief, from the third paragraph, the Appellant argues that "it is clear that a system in which text is snapped to a cursor is not the identical invention as 'modifying a display position indicator... based on a data transfer command and animating data transfer on the display screen' as claimed." First arguing that, "'snapping' and 'animating' are entirely different." Secondly arguing that, "text is not a display position indicator.

The examiner contends that with respect to the first argument Johnson does show, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (non-pointed end), where size may be modified (as shown in column 4, line 27 and as asserted to in column 3, lines 23-26, where the object is said to be visually zoomed). This text is

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animated in its movement to the snapped location, providing an indication of the transfer of data to or from the cursor.

The examiner contends that with respect to the second argument Johnson does show in column 1, lines 40-55, column 4, line 65 through column 5, line 9, that this movement with the cursor clearly shows the text itself is a positional indicator. The snapping to the cursor provides a correspondence between movement of the pointer and associated subject matter, making the cursor look like both a pointer and a text string.

Claims 4-5, 7-8, 12-13, and 15-16:

With respect to the Claims 4-5, 7-8, 12-13, and 15-16, the Appellant's arguments are focused on the limitations regarding the "reducing a marked object to a reduced object".

Since the interpretation of the limitation is the basis for arguments, the Examiner's interpretation is now given. With regard to the limitation, 'reducing a marked object to a reduced object' this is interpreted to mean making selected object smaller in size. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the reference Johnson, Jr. et al., hereinafter Johnson, are within the scope of these limitations.

Johnson teaches a system in which a text object is created from user-selected text, the text is then snapped to a cursor for the purpose of moving the text (see column 1, line 40-55). The text is gradually moved to the other end of the cursor (column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). The user is then free to move the text onscreen in search for an insertion point where upon selection by a user the text is visually zoomed from the source location to the insertion point (see column 1, lines 47-55). This representation of the text object snapped to the cursor which is visually zoomed in and out may be created by generating a bit map and limiting its size (see column 4, lines 20-34).

The examiner will now address the individual arguments and statements made by the Appellant.

From page 10 of the Appeal Brief, from the third paragraph, the Appellant argues "Johnson does not disclose, at minimum, 'reducing a marked object to a reduced object' as claimed in claim 4"

The examiner contends that Johnson does show a limiting of the size of the marked object to create a representation of the text object that doesn't obscure as much

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display space (see column 4, lines 20-34, column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). This limiting of size refers to the production of a reduced size object, as it is said to help with obscuring less of the display.

From page 11 of the Appeal Brief, from the first paragraph, the Appellant argues “Johnson does not disclose moving the object as the object is being reduced”

The examiner contends that Johnson does show a zooming of an object from a source location to a destination location (see column 4, lines 20-34, column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). Zooming is known in the art to comprise an increase or decrease in size of a visual depiction of an object as viewed by a user. Here the source location could be either <the position snapped to a cursor> or the <position in a document>, with its destination being the other of the two.

From page 6 of the Appeal Brief, from the fifth paragraph, the Appellant argues “Johnson does not disclose expanding a reduced object”

The examiner contends that Johnson does show a zooming of an object from a source location to a destination location (see column 4, lines 20-34, column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). Zooming is known in the art to comprise an increase or decrease in size of a visual depiction of an object as viewed by a user. Here the source location could be either <the position snapped to a cursor> or the <position in a document>, with its destination being the other of the two.

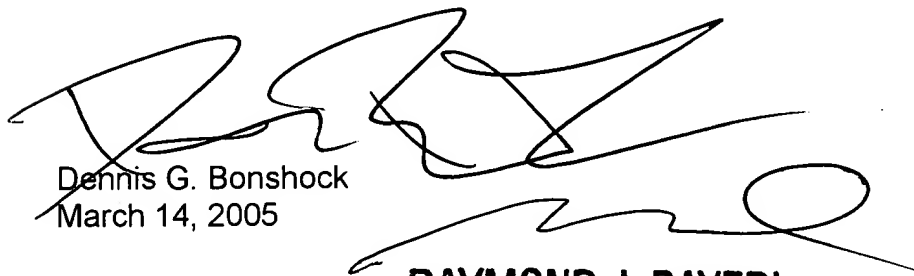
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Dennis G. Bonshock
March 14, 2005

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